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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) No. CR 05-00727 JF / PVT
12 Plaintiff,)
13 v.) **STIPULATION TO CONTINUE
14 HEARING AND EXCLUDE TIME;
15 [PROPOSED] ORDER**
16 SERGIO FIGUEROA-CASTENADA,)
17 Defendant.)

17 Defendant and the government, through their respective counsel, hereby stipulate that,
18 subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for
19 Wednesday, April 18, 2007, be continued to Wednesday, May 9, 2007, at 9:00 a.m.

20 Mr. Figueroa has been engaged in collateral state court proceedings regarding the validity
21 of convictions that resulted in his deportation. The defense has been informed that Mr.
22 Figueroa's state petition was recently denied. Accordingly, the parties anticipate that this matter
23 will resolve by way of a fast-track disposition, but the parties require time to complete the
24 settlement process.

25 The parties further agree that time should be excluded under the Speedy Trial Act because
26 the defense requires time for effective preparation and investigation, and the ends of justice

STIPULATION TO CONTINUE
HEARING DATE; [PROPOSED] ORDER
No. CR 05-00727 JF

1 outweigh the defendant's and the public's need for a speedy trial.

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3 Dated: 4/13/07

4

5 /s/
6 LARA S. VENNARD
7 Assistant Federal Public Defender

8 Dated: 4/16/07

9 /s/
10 JOSEPH FAZIOLI
11 Assistant United States Attorney

12 **ORDER**

13 The parties have jointly requested a continuance of the hearing set for April 18, 2007, on
14 grounds that the parties require time to finalize a settlement.

15 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date
16 presently set for April 18, 2007, be continued to May 9, 2007, at 9:00 a.m.

17 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time
18 from April 18, 2007, to May 9, 2007, shall be excluded from the period of time within which trial
19 must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

20 Dated: 4/18/07

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22 JEREMY FOGEL
23 United States District Judge